

**United States District Court
for the Southern District of Texas
Houston Division**

United States of America

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§

v.

Criminal No. H-10-459

Wilmar Rene Duran Gomez

[Capital Case]

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**JOINT MOTION TO CONTINUE MOTIONS HEARING
SCHEDULED FOR OCTOBER 26, 2021 AND OTHER SCHEDULED
DEADLINES THROUGH DECEMBER 2021**

The parties, through undersigned counsel, submit this Joint Motion to continue the Motions Hearing currently scheduled for October 26, 2021, at 9:00 am. and to re-set it for a date in early January, 2022. The parties also request that the Court suspend all filing deadlines (including responses to motions already filed) through the end of December, 2021. In support of this Motion, the parties submit as follows:

1. On August 10, 2021, this Court entered the current scheduling order. ECF No. 666. Under that scheduling order, a motions hearing was scheduled for September 27, 2021, which was then continued, at the request of the parties, until October 26, 2021.

2. Counsel for Mr. Duran Gomez are currently working on a request for consideration by the Department of Justice that it deauthorize this capital prosecution and withdraw the notice of intent to seek the death penalty. Mr. Duran Gomez's counsel plan to have a submission ready by the end of this month.

3. At the same time, the parties are discussing possible resolution of this case short of trial, and expect to continue those discussions in the weeks ahead.

4. The parties believe that the most efficient use of their time, and the Court's time, is to focus on these efforts and discussions and temporarily suspend motions and hearings in the case that may, ultimately, prove unnecessary.

5. The parties will continue to work together on discovery issues in the interim, so work will still be proceeding on the case.

6. By December, 2021, the parties hope that they will have a better sense of whether their efforts will be continuing down a fruitful path, or whether litigation will be resuming.

7. The parties therefore request that the hearing scheduled for October 26, 2021, be continued to a date in early January, 2022, and that all intermediate dates for hearings and filing deadlines (including responses to motions already filed) be suspended through the end of December 2021.

8. This motion is not intended for delay, but rather to allow justice to be done in this complex capital case. The requested continuance will allow the parties time to focus their efforts on attempting to resolve this case, and also allow time for the government and the Department of Justice time to carefully consider Mr. Duran Gomez's deauthorization request, and potentially resolve this matter without the time and expense of protracted litigation and a lengthy trial. The proposed schedule is also consistent with Mr. Duran Gomez's counsel's obligations to provide effective representation under the Sixth and Eighth Amendments.

9. All limits under the Speedy Trial Act continue to be waived by the filing of this motion.

10. Undersigned counsel have conferred with counsel for the Government, who have indicated that they join this request.

A proposed order is attached.

Respectfully submitted,

For Wilmar Rene Duran Gomez:

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